

Introduced by Senator Morrow

February 22, 2005

An act to add Chapter 11 (commencing with Section 49650) to Part 28 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 694, as introduced, Morrow. School districts: report on undocumented alien pupils.

Existing law requires school districts to report certain information to the State Department of Education relating to, among other things, pupils, pupil attendance, and staff. Existing law requires the department to collect certain information from school districts and, pursuant to this law, the department gathers data from school districts on school staff and pupil enrollment in the annual California Basic Educational Data System report (CBEDS report).

This bill would require the department to add a new category to the CBEDS report for the purposes of determining the number of public school pupils who are citizens and legal residents and the number of pupils who failed to provide proof of citizenship of, or legal residence in, the United States.

This bill, commencing with the 2006-07 academic year, would require each school district and county superintendent of schools to request that information from the parent or guardian of each pupil enrolling in any of its schools for the first time. The bill would provide that failure to provide that information would not preclude a pupil from being enrolled in the school, that the identity of those pupils would remain confidential, and that the information would only be used for submission to the federal government for purposes of calculating the costs of immigration to the state, and related research. This bill would require each school district and county superintendent

of schools to submit that information to the department in the CBEDS report for the 2006-07 academic year, and annually thereafter. By requiring local educational agencies to perform these additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 11 (commencing with Section 49650) is
2 added to Part 28 of the Education Code, to read:

3
4 CHAPTER 11. CITIZENSHIP AND LEGAL RESIDENCE SURVEY
5

6 49650. (a) Commencing with the 2006-07 CBEDS report, the
7 department shall add a new category to the CBEDS report for the
8 purposes of determining how many pupils are citizens and legal
9 residents of the United States of America and for determining the
10 number of pupils who failed to provide evidence of citizenship or
11 legal residence, as described in subdivision (a) of Section 49651.

12 (b) For the purpose of this chapter, "CBEDS report" means the
13 report that is transmitted by public educational agencies to the
14 department for purposes of the California Basic Educational Data
15 System and includes the information reported under this chapter,
16 and other information relating to school staff and pupil
17 enrollment as set forth in Section 42129.

18 49651. (a) On or before September 15, 2007, each school
19 district and county superintendent of schools shall require the
20 parent or guardian of each pupil enrolled in its schools to submit
21 proof of the pupil's legal citizenship of, or legal residence in, the
22 United States. Proof of citizenship or legal residence shall be a
23 United States birth certificate, United States passport, social

1 security card, or visa or other document issued by the United
2 States Citizenship and Immigration Services authorizing
3 residence in the United States, or recognized by the services as
4 legal verification. Failure to provide proof of citizenship or legal
5 residency does not preclude a pupil from being enrolled in a
6 school.

7 (b) Commencing with the 2006-07 academic year, each school
8 district and county superintendent of schools shall require the
9 parent or guardian of each pupil enrolling in any of its schools
10 for the first time to produce proof of the pupil's citizenship or
11 legal residence as described in subdivision (a). Failure to provide
12 proof of the citizenship or legal residency of the pupil does not
13 preclude a pupil from being enrolled in that school.

14 (c) The identity of pupils whose proof of citizenship or
15 residency is required pursuant to subdivision (a) or (b) shall be
16 confidential, and shall not be disclosed to the public. The
17 information received pursuant to subdivisions (a) and (b) shall
18 only be used for submission to the federal government for
19 purposes of calculating the costs of immigration to the state, or
20 for related statistical research.

21 (d) Each school district and county superintendent of schools
22 shall report in its October 2007 CBEDS report prepared for the
23 2006-07 academic year, the number of pupils enrolled in its
24 schools who are citizens and legal residents of the United States
25 and shall report the number of pupils enrolled in its schools who
26 failed to furnish proof of citizenship or legal residence as
27 described in subdivision (a).

28 SEC. 2. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.